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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ CRL.REV.P. 651/2006

July 20, 2007

VIJAY KUMAR (JUVENILE) THRU KA ..... Petitioner
Through Mr. R.S. Gupta, Advocate

versus

STATE ..... Respondent
Through Mr. Pawan Sharma, Advocate

CORAM:
Mr. Justice S. Ravindra Bhat:

1 Whether reporters of local papers may be allowed to see the judgment.?

2. To be referred to the Reporter or not?

3. Whether the judgment should be reported in the Digest?

Mr. Justice S. Ravindra Bhat (Open Court)

FIR No. 306/2005
Under Sections 302/307/34 IPC
P.S. Sultan Puri

1. This petition is directed against an order of Additional Sessions Judge rejecting an appeal filed by the present petitioner. His bail application was declined by the Juvenile Justice Board on 3.5.2006.

2. The applicant as well as his father were arrayed as accused in regard to the incident alleged to have occurred on 27.2.2005. It was alleged that in the course of an altercation the accused inflicted injuries on one Tara Chand who subsequently died. The petitioner, at the relevant time, was a juvenile. The Board, after considering the attendent

circumstances, was of the opinion that the petitioner's apparent delinquency was on account of lack of parental control. It was influenced by the circumstances that the father, a co-accused, was involved in the same. The appeal met with the same fate. During pendency of the present petition, this Court had enlarged the petitioner on interim bail on 13.2.2006. The Court, on subsequent dates, extended the bail and required the I.O. to report about the conduct of the applicant petitioner during the interregnum period.

3. Learned counsel for the State submitted on instructions from ASI Premveer Singh that the conduct and behaviour of the petitioner has so far been satisfactory. This Court had on 13.10.2006 also considered the Social Investigation Report. (SIR). The Court had observed that even though no details of bad company were forthcoming, the SIR had recommended that the petitioner should be given constructive time and he needed to be kept under effective supervision.

4. Having seen the materials on record as well as the conduct of the petitioner which appears to be satisfactory, I am of the opinion that the ends of justice would be sub-served if the mandate of Sub-section 12 is followed in both letter and spirit. The provision enjoins courts to grant bail as a rule save in excepted categories. I am satisfied that none of the excepted conditions apply in the present case – there is no evidence pointing to the petitioner's likelihood of association with a known criminal. Likewise his release cannot endanger him physically or psychologically. On an overall conspectus of the facts, ends of justice subserve in enlarging him on bail.

5. In the above premises, the petition deserves to be allowed. The interim bail granted to the petitioner is hereby confirmed on the same terms. The Petitioner is also

directed to report to the Board once every month. Additionally, the I.O. shall file his report once every month to the Board during pendency of proceedings.

The petition is allowed in the above terms.

Order Dasti.

S. RAVINDRA BHAT,J

JULY 20, 2007
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